

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/19

-----X
URSULA O'NEIL,Plaintiffs designate
NEW YORK COUNTY
as place of trial.*Plaintiff,*

-against -

The basis of venue is
Defendant reside in New
York County.ARCHDIOCESE OF NEW YORK, CARDINAL
MCCLOSKEY HOME AND SCHOOL FOR
CHILDREN, and DOMINICAN SISTERS OF
SPARKILL,SUMMONSThe basis of venue is
plaintiff's residence at 355
West 3rd Street, Elmira, NY
14901.*Defendant.*
-----X

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NEW YORK COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:
ARCHDIOCESE OF NEW YORK
1011 1st Avenue,
New York, NY 10022

CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN
115 E Stevens Ave, Suite LL5
Valhalla, NY 10595

DOMINICAN SISTERS OF SPARKILL
175 NY-340,
Sparkill, NY 10976

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/19

-----X
URSULA O'NEIL,

Plaintiff,

-against -

**VERIFIED
COMPLAINT**ARCHDIOCESE OF NEW YORK, CARDINAL
MCCLOSKEY HOME AND SCHOOL FOR
CHILDREN, and DOMINICAN SISTERS OF
SPARKILL,Defendants.
-----XPlaintiff(s), above named, complaining of the defendants, by **MERSON LAW,****PLLC.**, respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff Ursula O'Neil who was sexually abused as a child by a Janitor and a Bus Driver at and of Cardinal McCloskey Home and School for Children ("Cardinal McCloskey Home"), Dominican Sisters of Sparkill ("Dominican Sisters") and Archdiocese of New York ("Archdiocese").
2. The Janitor was an agent, servant and/or employee of Cardinal McCloskey Home and School for Children which operated under the exclusive control of Dominican Sisters of Sparkill and/or Archdiocese. The Janitor was known among the community and the children as a sexual predator.
3. The Bus Driver was an agent, servant and/or employee of Cardinal McCloskey Home and School for Children which operated under the exclusive control of Dominican

Sisters of Sparkill and/or the Archdiocese. The Bus Driver was known among the community and the children as a sexual predator.

4. Despite the Archdiocese's and/or Dominican Sisters' knowledge that the Janitor sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese, Cardinal McCloskey Home and or Dominican Sisters allowed the Janitor unfettered access to children.
5. Despite the Archdiocese's and/or Dominican Sisters' knowledge that the Bus Driver sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese and/or Dominican Sisters allowed the Bus Driver unfettered access to children.
6. Beginning in or about 1968 and continuing until approximately 1971, the Janitor, while under the scope of employment with the Archdiocese, Cardinal McCloskey Home and/or Dominican Sisters and while acting on behalf of the Archdiocese and/or Dominican Sisters, would sexually abuse Ms. O'Neil, then between seven and twelve years old, by forcing her to go to the basement with him and touching her, fondling her, attempting to digitally penetrate her and otherwise sexually abuse her.
7. Beginning in or about 1968 and continuing until approximately 1971, the Bus Driver, while under the scope of employment with the Archdiocese, Cardinal McCloskey Home, and/or Dominican Sisters and while acting on behalf of the Archdiocese, Cardinal McCloskey Home, and/or Dominican Sisters, would sexually abuse Ms. O'Neil, then between the ages of seven and twelve years old, by pulling down her pants, groping and fondling her butt and vagina, masturbating in front of her and otherwise sexually abuse her.

8. Ms. O'Neil brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Archdiocese of New York, Cardinal McCloskey Home and/or Dominican Sisters of Sparkill and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

PARTIES

9. At all times herein mentioned defendant **ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
10. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** was located at 1011 1st Avenue, New York, New York 10022.
11. At all times herein mentioned, the Janitor was an agent, servant and/or employee operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
12. At all times herein mentioned, the Bus Driver was an agent, servant and/or employee operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
13. At all times herein mentioned **DOMINICAN SISTERS OF SPARKILL** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
14. At all times herein mentioned, defendant **DOMINICAN SISTERS OF SPARKILL** was located at 175 NY-340, Sparkill, New York 10976.

15. At all times herein mentioned, the Janitor was an agent, servant and/or employee operating under the direction and control of defendant **DOMINICAN SISTERS OF SPARKILL**, and its agents, servants and/or employees.
16. At all times herein mentioned, the Bus Driver was an agent, servant and/or employee operating under the direction and control of defendant **DOMINICAN SISTERS OF SPARKILL**, and its agents, servants and/or employees.
17. At all times herein mentioned **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
18. At all times herein mentioned, defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** was located at 115 E Stevens Avenue, Suite LL5, Valhalla, NY 10595.
19. At all times herein mentioned, the Janitor was an agent, servant and/or employee operating under the direction and control of defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN**, and its agents, servants and/or employees.
20. At all times herein mentioned, the Bus Driver was an agent, servant and/or employee operating under the direction and control of defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN**, and its agents, servants and/or employees.
21. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK**, Defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN**

and defendant **DOMINICAN SISTERS OF SPARKILL** were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

22. Defendant **ARCHDIOCESE OF NEW YORK's**, defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN's** and/or defendant **DOMINICAN SISTERS OF SPARKILL's** negligence and recklessness caused the Janitor and the Bus Driver to have access to children, including on Diocese property, despite their knowledge that the Janitor and the Bus Driver sexually abused children and/or had the propensity to sexually abuse children and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **ARCHDIOCESE OF NEW YORK's**, **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN's** and/or **DOMINICAN SISTERS OF SPARKILL's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by the Janitor and the Bus Driver. Defendants' gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.
23. The Janitor and the Bus Driver sexually assaulted Ms. O'Neil and many other children of Cardinal McCloskey Home and School for Children in White Plains, New York. Nonetheless, defendants **ARCHDIOCESE OF NEW YORK**, **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** and/or **DOMINICAN SISTERS OF SPARKILL** failed to remove the Janitor and the Bus Driver from their positions or to take any steps to keep the dangerous predators away from children. In fact, the Archdiocese and/or Dominican Sisters continued to allow, encourage and/or permit the Janitor and the Bus Driver to have unfettered access to children.

24. In approximately 1968 and continuing through approximately 1971, the Janitor would seek Ms. O'Neil out to sexually abuse her when her and the other children were going to the play yard, grabbing her, forcing her to go down to the basement. The Janitor would molest Ms. O'Neil by forcing her to remove her pants, touching her butt and her vagina and attempting to digitally penetrate her.
25. The Janitor would continue to molest Ms. O'Neil in the basement until she cried.
26. Ms. O'Neil was sexually abused by the Janitor numerous times.
27. In approximately 1968 and continuing through approximately 1971, the Bus Driver would instruct Ms. O'Neil and other young girls to go to the front of the bus behind a partition. Both when the bus was driving and parked, the Bus Driver would force Ms. O'Neil to pull her pants down so that he could touch her butt and vagina. While the Bus driver would molest Ms. O'Neil, he would masturbate in front of her.
28. The Bus Driver would threaten to hit Ms. O'Neil with his belt if she did not comply with his demands or let him touch her.
29. In addition to the sexual abuse Ms. O'Neil endured at the hands of the Janitor and the Bus Driver, Ms. O'Neil was systematically beaten by Sister Patrick Joseph. Sister Patrick Joseph would force Ms. O'Neil to pull down her pants and then beat her repeatedly on the butt with her shoe.
30. As a result of the actions of the Janitor, the Bus Driver and Sister Patrick Joseph, Ms. O'Neil felt and continues to feel traumatized and uncomfortable.
31. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **ARCHDIOCESE OF NEW YORK's**, defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN's** and/or defendant **DOMINICAN**

SISTERS OF SPARKILL's negligence in undertaking a duty, including but not limited to in *locis parentis*, in failing to protect the children of its parishes and of its community safe from the Janitor, the Bus Driver and Sister Patrick Joseph despite the **ARCHDIOCESE, CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** and/or **DOMINICAN SISTERS** having knowledge that the Janitor, Bus Driver and Sister Patrick Joseph abused and/or sexually abused children and/or had the propensity to abuse and/or sexually abuse children, and/or allowing the Janitor, Bus Driver and Sister Patrick Joseph to continue to have their positions of authority and power with unfettered access to children, and the Diocese failed to adequately supervise the Janitor and the Bus Driver.

AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS FOR THE ARCHDIOCESE OF NEW YORK

32. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 31., inclusive, with the same force and effect as if hereinafter set forth at length.
33. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to in *locis parentis*, to keep the young patrons, students and children of its parishes, home and school including plaintiff safe from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise the Bus Driver and Janitor.

34. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
35. As a result of the negligence of defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
36. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
37. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
38. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
39. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE

AS FOR THE DOMINICAN SISTERS OF SPARKILL

40. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 39., inclusive, with the same force and effect as if hereinafter set forth at length.
41. At all times mentioned herein, defendant **DOMINICAN SISTERS OF SPARKILL** owed a duty of care, including but not limited to in locis parentis, to keep the young patrons, students and children of its parishes, home and school including plaintiff safe

from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise the Bus Driver and Janitor.

42. At all times mentioned herein, defendant **DOMINICAN SISTERS OF SPARKILL** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
43. As a result of the negligence of defendant **DOMINICAN SISTERS OF SPARKILL** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
44. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
45. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
46. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
47. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE

AS TO CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN

48. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 47., inclusive, with the same force and effect as if hereinafter set forth at length.
49. At all times mentioned herein, defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** owed a duty of care, including but not limited to in locis parentis, to keep the young patrons, students and children of its parishes, home and school including plaintiff safe from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise the Bus Driver and Janitor.
50. At all times mentioned herein, defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
51. As a result of the negligence of defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
52. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
53. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

54. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

55. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION AS FOR ARCHDIOCESE OF NEW YORK

56. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 55., inclusive, with the same force and effect as if hereinafter set forth at length.

57. Defendant **ARCHDIOCESE OF NEW YORK**, had a duty to supervise and prevent known risks of harm to the children of its home and school by its agents, servants and/or employees.

58. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Janitor and Bus Driver, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of bus drivers, janitors, church and/or school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its home and school.

59. Defendant **ARCHDIOCESE OF NEW YORK** knew or should have known the janitor and the bus driver sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.

60. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental

anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

61. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
62. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
63. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
64. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION AS TO DOMINICAN SISTERS OF SPARKILL

65. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 64., inclusive, with the same force and effect as if hereinafter set forth at length.
66. Defendant **DOMINICAN SISTERS OF SPARKILL**, had a duty to supervise and prevent known risks of harm to the children of its home and school by its agents, servants and/or employees.
67. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Janitor and Bus Driver, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of bus drivers, janitors, church and/or school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its home and school.

68. Defendant **DOMINICAN SISTERS OF SPARKILL** knew or should have known the janitor and the bus driver sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
69. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
70. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
71. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
72. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
73. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION

AS TO CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN

74. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 73., inclusive, with the same force and effect as if hereinafter set forth at length.
75. Defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN**, had a duty to supervise and prevent known risks of harm to the children of its home and school by its agents, servants and/or employees.

76. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Janitor and Bus Driver, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of bus drivers, janitors, church and/or school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its home and school.
77. Defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** knew or should have known the janitor and the bus driver sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
78. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
79. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
80. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
81. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
82. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE SEVENTH CAUSE OF ACTION FOR NEGLIGENT

INFLICTION OF EMOTIONAL DISTRESS

AS TO ARCHDIOCESE OF NEW YORK

83. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 82., inclusive, with the same force and effect as if herein set forth at length.
84. Defendant **ARCHDIOCESE OF NEW YORK** and its agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire the Janitor, Bus Driver and Sister Patrick Joseph, the agents, servants and/or employees who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
85. Defendant **ARCHDIOCESE OF NEW YORK** and its agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
86. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by the Janitor, the Bus Driver and Sister Patrick Joseph.
87. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Janitor, Bus Driver and Sister Patrick Joseph abusing and/or sexually abusing Plaintiff.
88. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
89. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

90. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

91. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE EIGHTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AS TO DOMINICAN SISTERS OF SPARKILL

92. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 91., inclusive, with the same force and effect as if herein set forth at length.

93. Defendant **DOMINICAN SISTERS OF SPARKILL** and its agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire the Janitor, Bus Driver and Sister Patrick Joseph, the agents, servants and/or employees who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

94. Defendant **DOMINICAN SISTERS OF SPARKILL** and its agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

95. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by the Janitor, the Bus Driver and Sister Patrick Joseph.

96. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Janitor, Bus Driver and Sister Patrick Joseph abusing and/or sexually abusing Plaintiff.

97. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
98. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
99. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
100. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE NINTH CAUSE OF ACTION

FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

AS TO CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN

101. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 100., inclusive, with the same force and effect as if herein set forth at length.
102. Defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** and its agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire the Janitor, Bus Driver and Sister Patrick Joseph, the agents, servants and/or employees who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
103. Defendant **CARDINAL MCCLOSKEY HOME AND SCHOOL FOR CHILDREN** and its agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

104. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by the Janitor, the Bus Driver and Sister Patrick Joseph.
105. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Janitor, Bus Driver and Sister Patrick Joseph abusing and/or sexually abusing Plaintiff.
106. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
107. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
108. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
109. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorney for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.:

_____/19

-----X
URSULA O'NEIL,*Plaintiff,*

-against -

**ATTORNEY
VERIFICATION**ARCHDIOCESE OF NEW YORK, CARDINAL
MCCLOSKEY HOME AND SCHOOL FOR
CHILDREN, and DOMINICAN SISTERS OF
SPARKILL,*Defendants.*-----X
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York
State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in
the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the
same is true to his own knowledge, except as to the matters therein stated to be alleged upon
information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in
the file.

That the reason this verification is made by affirmant and not by the plaintiff is that
the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019

_____
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

URSULA O'NEIL,

Plaintiff,

- against -

ARCHDIOCESE OF NEW YORK, CARDINAL
MCCLOSKEY HOME AND SCHOOL FOR CHILDREN,
and DOMINICAN SISTERS OF SPARKILL,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone
150 East 58th Street 34th Fl.
New York, New York 10155
(212) 603-9100

To: All Parties
